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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES,)	
)	Criminal No. 95-482-PA
Plaintiff,)	
)	
v.)	
)	ORDER
JOSE GUADALUPE VARGAS-)	
VICTORIA,)	
)	
Defendant.)	
_____)	

PANNER, District Judge.

On April 4, 2008, defendant filed a document entitled "Motion to Suppress" in which he appears to assert that he has twice been placed in jeopardy for the same offense. Defendant alleges that he was sentenced in this case for illegal reentry, and was later re-sentenced to 30 months in the Southern District of California "for illegal reentering, between October 2000 to February 2001." He asserts that the 30 months he served stemming from the latter conviction "justified case No. CR 95-482-PA in October 2000."

It is unclear whether defendant seeks to collaterally attack his conviction and sentence from the Southern District of California (San Diego), or whether he seeks to do so in this case. In any event, defendant must bring such an action as a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. Defendant is advised that for whichever sentence he seeks to challenge, venue is proper in the District in which the sentence was imposed.

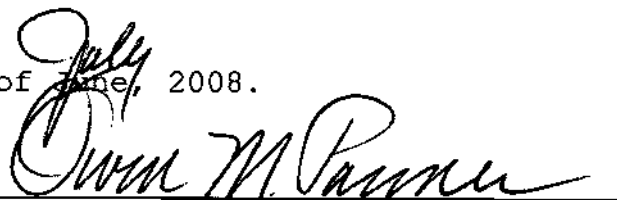
Motions to suppress are evidentiary in nature, and such a motion is not applicable in this case. Accordingly, the court denies the Motion to Suppress. The denial is, however, without prejudice to defendant's right to file a 28 U.S.C. § 2255 motion should he wish to do so.

CONCLUSION

Defendant's Motion to Suppress (#18) is DENIED. Defendant may, however, file a separate 28 U.S.C. § 2255 motion should he wish to bring a post-conviction challenge. Defendant is REMINDED that such a motion must be brought in the District where the conviction and/or sentence in question were imposed, and must clearly identify the precise conviction and/or sentence he wishes to challenge.

IT IS SO ORDERED.

DATED this 2 day of July, 2008.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

Owen M. Panner
United States District Judge